IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 27 of 2002

with

CIVIL APPLICATION No 373 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRAFULBHAI KISHORBHAI THAKKAR

Versus

SUREKHABEN RATANLAL SHAH

Appearance:

1. Appeal from Order No. 27 of 2002

M/S THAKKAR ASSOC. for Appellant No.

MR SUNIT S SHAH for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 02/03/2005

ORAL JUDGEMENT

1. The appellant herein has challenged the order dated 21/07/2001 passed below exh.5 by the learned Joint Civil Judge (S.D.), Surat Camp, Bardoli in Special Civil Suit No.90 of 2000, whereby the said application was rejected.

2. While admitting this Appeal from Order, this Court had directed the parties to maintain status quo till the final disposal of the appeal. Since status quo is operating, it would be appropriate to direct the parties to maintain status quo, till the suit pending before the said Court is disposed of while expediting its hearing.

3. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Special Civil Suit No.90 of 2000 and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of one year from the date of receipt of writ of this order. Parties are directed to maintain status quo granted by this Court till the suit is disposed of.

4. With the above observations and directions, the Appeal from Order stands disposed of. Office is directed to send writ of this order forthwith.

ORDER IN CIVIL APPLICATION

In view of the order passed in the main matter, this civil application will not survive. It stands disposed of accordingly.

[K. S. JHAVERI, J.]
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